

REMARKS

Claims 1-29 are currently pending in the subject application and are presently under consideration. Independent claims 1, 11, and 21 have been amended as shown on pages 2-5. Entry of these amendments is respectfully requested to better position the claims in case of appeal.

Applicant's representative would like to thank Examiner Bayard for the courtesies extended during the telephonic interview conducted on August 29, 2007. Examiner was contacted to discuss the cited reference Thomas (EP 1 241 890) wherein the user is singular in nature and the claims in the present invention wherein the user is plural in nature. Amendments to the claim language to clarify this plural user nature have been incorporated in the claims as shown above. Applicant's representative acknowledges that Examiner wishes to review the exact wording of the claim prior to allowance.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-29 Under 35 U.S.C. §102(a)

Claims 1-29 stand rejected under 35 U.S.C. §102(a) as being anticipated by Thomas (EP 1 241 890). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Thomas does not teach or suggest each and every limitation of applicant's claimed invention.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every* limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject claims teach an instant messaging system that provides instant message communication between computers, including *multi-user* computers. The claimed system allows

multiple users of a shared multi-user computer to be logged into the instant messaging system *simultaneously* on the same shared multi-user computer. In this way, multiple instant messaging sessions for multiple users may be active simultaneously on the same shared multi-user computer. This has been stated throughout the prosecution and has been clarified in independent claim 1 (and similarly independent claims 11 and 21) which recites *providing plural concurrent instant message user logins on a multi-user computer, at least one of the plural concurrent logins is by a first user and at least one of the plural concurrent logins is by a second user*. Claims 2-10, 12-20, and 22-29 depend from the independent claims 1, 11 and 21 and inherit this limitation.

The Examiner erroneously maintains that the cited reference teaches to the novel concept of multiple concurrent users and offers several paragraphs as examples – [0142], [0143], [0145], [0156], [0160], [0180], and [0200]. Applicant's representative respectfully avers to the contrary. Thomas in fact teaches to a single user as shown in paragraph [0141], which recites *When the user is watching television, the program guide with chat features or the stand-alone chat application (hereinafter collectively referred to as the set-top box application) allows the user to identify himself or herself by selecting one of the user profile identities entered or by adding a new user profile identity*. The plural reference in paragraph [0142] is merely indicative of the stored profiles and is not indicative of multiple active profiles. The plural reference in paragraph [0143] is merely indicative of entering identity data of an additional type of profile, that of a non-household user. Again, the reference does not teach multiple profiles active concurrently at the same multiple user computer, regardless of type of profile. The plural reference in paragraph [0145] is again to data entry to the profiles stored (and not active). In fact, paragraph [0156] teaches a singular user engaged in the plurality of a chat room, television program and advertisement simultaneously. Only a single active user per set-top box application is referenced. Any plural user reference is to chat groups, whose participants are on different computers [0155]. The cited reference Thomas employs a single user log-in to engage in multiple chat rooms. This is distinct from multiple users with their own log-ins on a single multi-user computer. Paragraph [0160] also teaches a singular user simultaneously to engage in watching a television program and sending real-time communications and recites in part *a user can send and receive comments about the content of the program as it unfolds on his television screen, and The real-time communication system of the present invention therefore allows users*

of user television equipment that are connecte4d via numerous television distribution facilities such as the network in FIG. 2A. Figure 2A clearly shows a multitude of user television equipment and not a singular multi-user computer as captured in applicant's novel claims. Paragraph [0180] teaches to a single active user joining a plurality of chat groups. Paragraph [0120] teaches to a singular active user sending a plurality of chat requests and cites in part *The functionality of the filtering operations described with respect to the television chat system of the present invention may be performed at the server, at the set-top box of the recipient, or at the set-top box of the sender.* This clearly indicates single user to set-top box systems. In every case of the examiner cited reference paragraphs, the active user reference is always singular to a computer.

In view of at least the foregoing, it is respectfully submitted that Thomas does not teach or suggest applicant's invention as recited in independent claims 1, 11 and 21 (and claims 2-10, 12-20, and 22-29 that depend there from), and thus fails to make obvious the subject claimed invention. As such, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP666US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731